

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LOLITA DOUGLAS

v.

VERIZON

CIVIL ACTION

NO. 17-2541

FILED :
JUN 15 2017 :
KATE BARKMAN, Clerk :
By _____ Dep. Clerk

MEMORANDUM

PRATTER, J.

JUNE 14, 2017

Plaintiff Lolita Douglas filed a motion to proceed *in forma pauperis* and a complaint against Verizon, although the second page of her complaint names “PECO Energy” as a defendant. According to Ms. Douglas, the basis for her lawsuit is her “right to know a personal friend.” (Compl. at 2.) The complaint provides the following factual basis for her claims:

I was lying down in my room and not aware. I heard like a humming noise. My electric, energy all off clock, electric energy refrigerator electric energy radiator heat and air conditioner. I didn’t hear the electric energy wireless phone (volume) ring I think it was the phone.

(*Id.* at 3.) Ms. Douglas seeks damages in the amount of five cents, and asks the court to “give [her] Black National Anthem” and a specialist. (*Id.* at 4.)

Ms. Douglas’s motion to proceed *in forma pauperis* is granted because it appears that she is incapable of paying the fees to commence this civil action.

However, 28 U.S.C. § 1915(e)(2)(B)(i) and (ii) require the Court to dismiss the complaint if it is frivolous or fails to state a claim. A complaint is frivolous if it “lacks an arguable basis either in law or in fact,” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989), and is legally baseless if it is “based on an indisputably meritless legal theory.” *Deutsch v. United States*, 67 F.3d 1080, 1085 (3d Cir. 1995). To survive dismissal for failure to state a claim, the complaint must contain “sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.”

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quotations omitted). “[M]ere conclusory statements[] do not suffice.” *Id.*

Ms. Douglas is proceeding *pro se*, and for that reason the Court construes her allegations liberally. *Higgs v. Att’y Gen.*, 655 F.3d 333, 339 (3d Cir. 2011). Nothing alleged or remotely feasible from the allegations in Ms. Douglas’s complaint gives rise to a claim under federal or state law. Accordingly, there is no legal basis for her lawsuit. The Court will therefore dismiss the complaint with prejudice because amendment would be futile. An appropriate order follows, which shall be docketed separately.

BY THE COURT:



GENE E.K. PRATTER, J.